

337
BILL NO. G-88-04-12

GENERAL ORDINANCE NO. G-10-88

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the
City of Fort Wayne (as more specifically described below)
was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

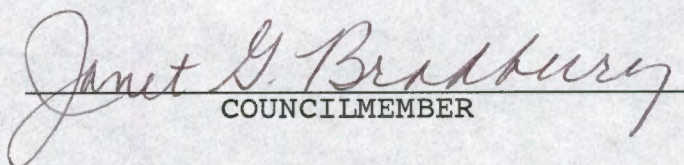
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public alley within the City of Fort Wayne, more
specifically described as follows, to-wit:

The north-south alley located between Lots 8 and 9
in Wolke's Subdivision of Lots 485, 486, 487, and
488 of Hanna's Addition to the City of Fort Wayne,
Allen County, Indiana, excepting therefrom the
South 20 feet thereof.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

337

APPROVED AS TO FORM AND LEGALITY:

1 J. Timothy McCaulay
2 J. TIMOTHY MCCAULAY, CITY ATTORNEY

3 ** Public hearing to be held on _____,
4 the _____ day of _____, 1988,
5 in the Council Chambers.
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8 Sandra E. Kennedy, City Clerk
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FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Steele, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 4-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Pass, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>2</u>	_____	_____	_____	<u>2</u>
BRADBURY	_____	_____	_____	_____	<u>✓</u>
BURNS	<u>✓</u>	_____	_____	_____	_____
GiaQUINTA	<u>✓</u>	_____	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____	_____
LONG	<u>✓</u>	_____	_____	_____	_____
REDD	<u>✓</u>	_____	_____	_____	_____
SCHMIDT	<u>✓</u>	_____	_____	_____	_____
STIER	_____	_____	_____	_____	<u>✓</u>
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 6-14-88.

Neddyda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE RESOLUTION NO. 5-10-88 on the 14th day of June, 1988,

ATTEST:

SEAL

Neddyda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1988, at the hour of 11:30 o'clock A .M., E.S.T.

Neddyda Esteroff
SANDRA E. KENNEDY, CITY CLERK
Deputy

Approved and signed by me this 16th day of June, 1988, at the hour of 8:30 o'clock P .M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public alley within the City of Fort Wayne, Indiana, and hereby described as follows:

The north-south alley located between Lots 8 and 9 in Wolke's Subdivision of Lots 485, 486, 487, and 488 of Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, excepting therefrom the South 20 feet thereof.

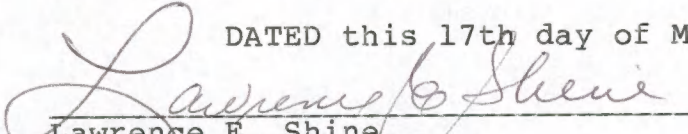
In support thereof, your petitioner would represent as follows:

1. That except for the adjacent property owner who owns Lot 7 in Wolke's Subdivision of Lots 485, 486, 487, and 488 of Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, petitioner is the only owner of the real estate bordering both sides of the alley.
2. That the alley is not necessary as ingress or egress to other properties whatsoever.
3. That no other person, firm, or corporation is interested in or affected by the requested vacation.
4. That the vacation is necessary to allow for the redevelopment of the adjoining properties.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.


WHEREFORE, your petitioner prays that the above-described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED this 17th day of March, 1988.


Lawrence E. Shine,
Adjacent Property Owner
2400 Fort Wayne National Bank Bldg.
Fort Wayne, Indiana 46802

Property Address:
916 S. Calhoun Street
Fort Wayne, Indiana 46802

City of Fort Wayne, Department
of Redevelopment, Petitioner
City-County Bldg. - Room 840
One Main Street
Fort Wayne, Indiana 46802

By: 
John J. Wernet, its attorney
Suite 200 - Metro Bldg.
Fort Wayne, Indiana 46802
Tele: (219) 420-6500

RESOLUTION 77-269-13

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

The north-south alley located between Lots 8 and 9 in Wolke's Subdivision of Lots 485, 486, 487, and 488 of Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, excepting therefrom the South 20 feet thereof.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.


BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held Wednesday, May 4, 1988 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 4th DAY OF May 1988
FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer
Director of Public Works


Robert E. Love
Director of Public Safety

C. David Silletto
C. David Silletto
Director of Administration & Finance

RESOLUTION

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 18, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 25 April 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25 DAY OF April 1988

FORT WAYNE, CITY PLAN COMMISSION

Robert Huthner
Secretary

337
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance 9-88-04-12

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE North/South alley between Washington, Wayne,
Harrison and Calhoun.

EFFECT OF PASSAGE Property is presently dedicated public right-of-way.

Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

G-88-04-12

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE**APPROVAL DEADLINE****REASON**

Alley Vacation Ordinance

DETAILS**Specific Location and/or Address**

N/S alley between Harrison, Washington,
Wayne and Calhoun Streets.

Reason for Project

To facilitate the construction of the
Midtowne Crossing Project.

Discussion (Including relationship to other Council actions)

18 April 1988 - Public Hearing

John Wernet, attorney for the Redevelopment Commission, stated that the vacation was being requested in order to facilitate the construction of the Midtowne Crossing Project. He stated that the alley would run directly through the center of the building. He stated that the utilities have already relocated out of the alleys. He stated the Redevelopment Commission owns all of the surrounding property with the exception of Lot #7, which is owned by Larry Shine and he has also signed the petition.

Janet Bradbury questioned why they were not vacating the south 20 feet of the alley.

Mr. Wernet stated that is the portion adjacent to Larry Shine's property and that portion will not be vacated. He stated it is not a part of the project.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Redevelopment Commission
City Department

Other

Opponents**Groups or Individuals**

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

25 April 1988 - Business Meeting

Motion was made and seconded that this ordinance be returned to the Common Council with a DO PASS recommendation subject to the petitioner providing utility easements as needed, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 18 March 1988

Projected Completion or Occupancy

Date 26 April 1988

Fact Sheet Prepared by

Date 26 April 1988

Patricia Biancaniello

Reviewed by

Date

Gary Bute
Reference or Case Number

5/12/88

BILL NO. G-88-04-12

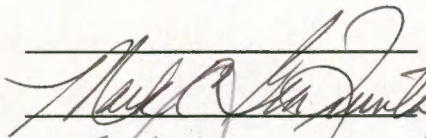
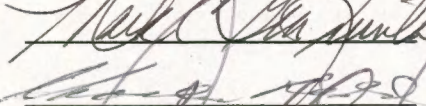
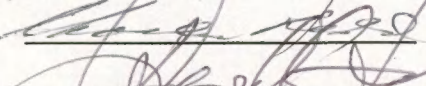
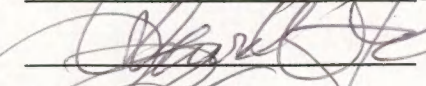
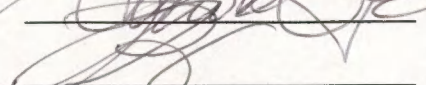
REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
Thoroughfare Plan of the City Comprehensive ("Master") Plan by
vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

YES

NO

	JANET G. BRADBURY	_____
	CHAIRPERSON	_____
	MARK E. GIAQUINTA	_____
	VICE CHAIRMAN	_____
	CHARLES B. REDD	_____
	DAVID C. LONG	_____
	PAUL M. BURNS	_____

CONCURRED IN 6-14-88.

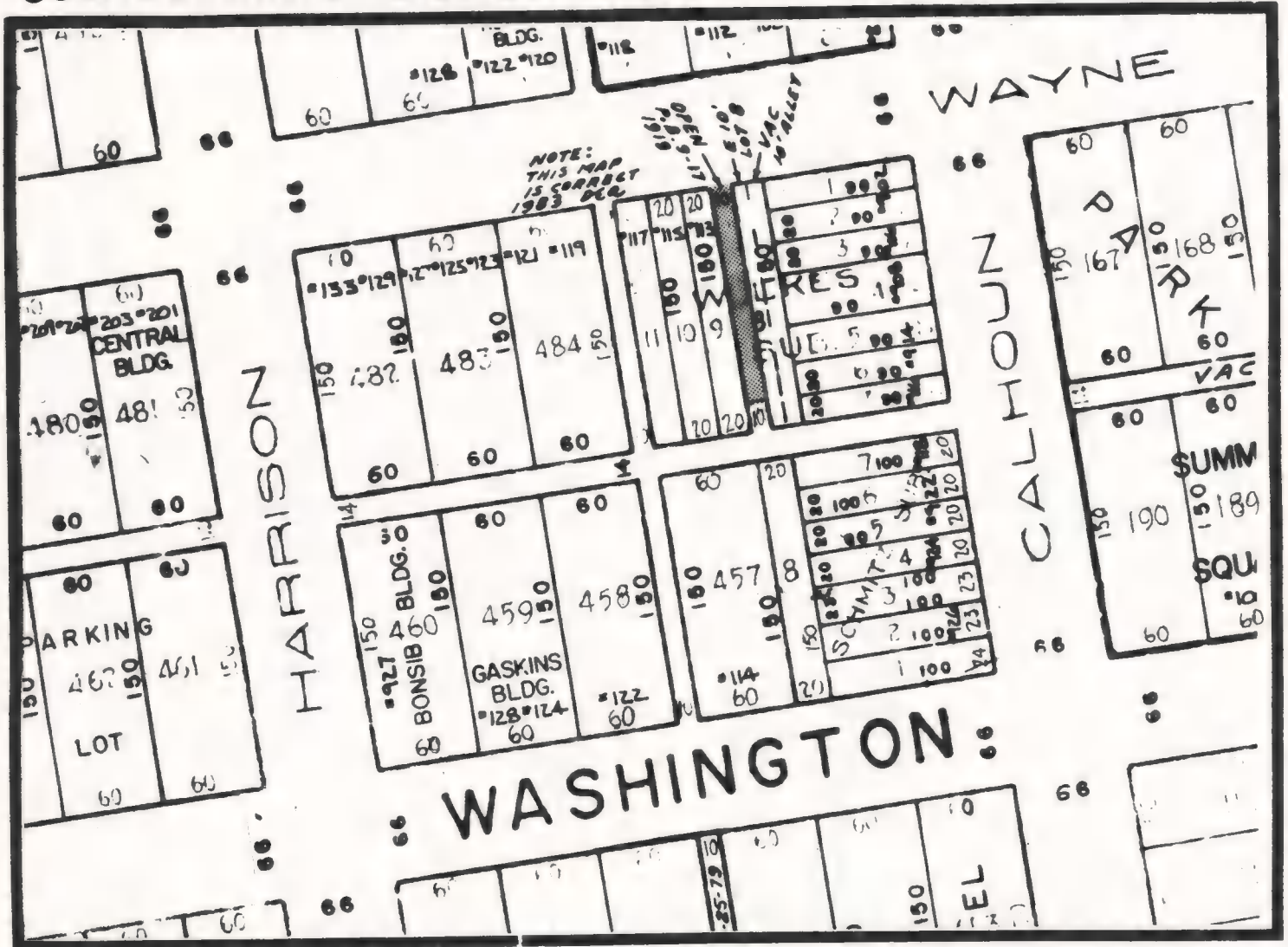
Sandra E. Kennedy
City Clerk

VACATION PETITION #337

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY

MAP NO. M-6

COUNCILMANIC DISTRICT NO. 1



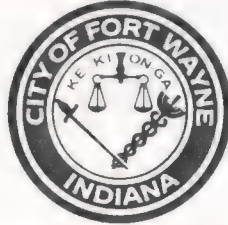
ZONING:

LAND USE:

SCALE: 1" = 100'

DATE: 3-29-88





THE CITY OF FORT WAYNE

May 24, 1988

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the date of May 27, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-88-04-12
Alley Vacation Ordinance

Bill No. G-88-04-15
Alley Vacation Ordinance

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

All America City



Most Livable City

THE CITY OF FORT WAYNE

May 24, 1988

John Wernet, Attorney
Suite 200
Metro Building
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-88-04-12

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, June 14, 1988, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

N/S alley between Harrison, Washington, Wayne and Calhoun Streets. To facilitate the construction of the Midtowne Crossing Project.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-88-04-12)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, June 14, 1988, at 7:00 P.M., EST in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

N/S alley between Harrison, Washington, Wayne and Calhoun Streets. To facilitate the construction of the Midtowne Crossing Project. Property is presently dedicated public right-of-way. Property will be vacated and revert to the adjacent property owners.

The north-south alley located between Lots 8 and 9 in Wolke's Subdivision of Lots 485, 486, 487, and 488 of Hanna's Addition to the City of Fort Wayne, Allen County, Indiana, excepting therefrom the South 20 feet thereof.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

Ft. Wayne Common Council
(Governmental Unit)

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines	<u>3</u>
Body -- number of lines	<u>19</u>
Tail -- number of lines	<u>3</u>
Total number of lines in notice	<u>25</u>

COMPUTATION OF CHARGES

25 lines, 1 columns wide equals 25 equivalent lines
at .330 cents per line \$ 8.25

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 8.25

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: May 27, 19 88

Trudy Sterling
Clerk
Title: _____

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

5/27/88

Subscribed and sworn to before me this 27th day of May, 19 88.

Shelley R. LaRue
Notary Public

My commission expires: March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-88-04-12)
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N/S alley between Harrison, Washington, Wayne and Calhoun Streets. To facilitate the construction of the Midtown Crossing Project.
Project is presently dedicated public right-of-way. Property will be vacated and revert to the adjacent property owners.
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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

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Date: May 27, 1988

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

5/27/88

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Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990NOTICE OF PUBLIC HEARING
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(BILL NO. G-88-04-12)

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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk